

UNITED STATES OF AMERICA  
 NATIONAL TRANSPORTATION SAFETY BOARD  
 OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of:

MV ETHAN ALLEN,  
 LAKE GEORGE, NEW YORK,  
 OCTOBER 2, 2005

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\* Docket No.: DCA 06 MM 001

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Interview of: LORETTA PEACOCK

National Transportation Safety Board  
 490 L'Enfant Plaza East, S.W.  
 Washington, D.C. 20594

Tuesday,  
 October 11, 2005

The above-captioned matter convened, pursuant to  
 notice, at 12:13 p.m.

BEFORE: MARIETTE BURER

## APPEARANCES:

MARIETTE BURER  
National Transportation Safety Board

MAJ. STEVEN RIVENBURGH  
New York State Park Police

I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Loretta Peacock:	
By Ms. Burer	4
By Maj. Rivenburgh	
<b>Error! Bookmark not defined.</b>	
By Ms. Burer	15

I N T E R V I E W

(12:13 p.m.)

MS. BURER: This is Mariette Burer with the National Transportation Safety Board. Today is approximately 13 minutes after noon, and it is October 11th, Tuesday, October 11th, and I have with me --

MAJ. RIVENBURGH: Steve Rivenburgh, New York State Park Police.

MS. PEACOCK: And I am Loretta Jean Peacock, up to (indiscernible), Michigan.

## INTERVIEW OF LORETTA JEAN PEACOCK

BY MS. BURER:

Q. I understand that you were a passenger of the accident that occurred Sunday?

A. Yes, I was.

Q. October 2nd, aboard the Ethan Allan?

A. Yes, I was.

Q. Okay, could you tell me in your own words what you experienced starting from the very beginning before you even boarded onto the vessel?

A. Okay, we had gone to lunch and then walked down to the board walk. And people were already getting onto the boat when we got there. And the captain was finding seats for us and there was a hesitation because he felt there was too many. And they decided to put us on and so we got on and as I said

1 sat on the outside seat towards the middle and my husband in  
2 front of me. And we went around the lake and he pointed out  
3 the views. And we were coming back and my feeling was that he  
4 pulled to the right kind of fast. The boat was going too fast  
5 for the turn. And my husband said, yelled out, slow down. And  
6 then everything just tipped right over.

7           And I found myself in the water underneath the boat.  
8 And I could see the sun was coming in and I could see the panel  
9 that was on the side of the boat. And I headed into that and,  
10 of course, ran into that. And then backed off and headed again  
11 and I had not gone down far enough I hit it again. And then I  
12 pushed down to the bottom as good as I could and I popped up.  
13 And I popped up next to my husband and we were hanging onto the  
14 edge of the boat. And boats were coming from everywhere. And  
15 this lady as I found out later was Gisela Root (ph.). And we  
16 grabbed onto that and about that time the boat had tipped over  
17 again to sink. And so we had to get away from the boat. And  
18 so we were hanging onto the deck of her boat. And my husband  
19 was at the corner of it and I was at the back. And about that  
20 time the hull of the boat started coming up towards us. And I  
21 had to give our boat a push to get away from that one so I  
22 wouldn't crush his head. And then we pushed -- and she was  
23 pulling up people at this time and so we were waiting our time  
24 to get up into the boat. And then we went over to the other  
25 side of the back and she had steps that we could step on and so

1 we pulled ourselves up to the steps and she just grabbed us and  
2 pulled us in. Then she found a dock to bring us in and we came  
3 into the shore. And then that's basically it.

4 Q. Okay, did you sustain any injuries?

5 A. What had happened, I was in the hospital until  
6 Wednesday and they had found that I had what they called broken  
7 heart syndrome --

8 Q. Yeah.

9 A. -- where it affects the heart and it takes about a  
10 month to heal. And I'm on medication. And I went into see my  
11 cardiologist yesterday. And he thinks I'm coming along okay  
12 and I have to go back in a month to be checked out.

13 Q. The captain, did he actually find a seat for you?

14 A. No, not particularly, no. They were saying there is  
15 a seat here and there is a seat here. And so he did not do  
16 that.

17 Q. And who is saying?

18 A. The people on the boat. They were saying, there is  
19 room here and so we were really the last couple that got onto  
20 the boat.

21 Q. Did you notice anything as far as the boat was  
22 docked?

23 A. No, not really.

24 Q. Okay, when you finally got on board and you took your  
25 seat, do you recall where the captain was?

1           A.    No, I don't.

2           Q.    Do you recall seeing the captain when you first  
3 boarded?

4           A.    He was at the back of the boat.

5           Q.    And do you -- can you tell me a little bit about his  
6 demeanor during the trip?

7           A.    He was chatting and I really didn't see him because  
8 we were facing forward. And he was talking about the different  
9 houses along the shore. No, I didn't notice anything.

10          Q.    Okay, and was there any kind of talk -- first of all,  
11 was there another crew member on board?

12          A.    No.

13          Q.    Okay, and are you familiar with the tour guides at  
14 all?

15          A.    Oh, yes.

16          Q.    Okay, was there any way that she played a role as a  
17 part of -- what was her role for that day?

18          A.    She got on the boat with us. She was up near the  
19 front.

20          Q.    Okay, when you first departed, did you notice  
21 anything as far as lifejackets is concerned?

22          A.    There were no lifejackets showing.

23          Q.    Okay.

24          A.    My husband looked and he assumed that they were in  
25 the -- there was a box in the front and one in the back.

1 Q. Okay, did you personally notice that?

2 A. Yes, I did.

3 Q. Okay, and then what about a safety briefing?

4 A. No, no safety briefing.

5 Q. Okay, and you felt that once you got on the way, that  
6 at one point he pulled to the right too fast?

7 A. When we tipped over. We had been riding the waves.  
8 I'm familiar with boats and, you know, when the waves come I  
9 think that doing what we would have done, you know, kind of  
10 riding the waves, so, I didn't see any problem with that. And  
11 then we had already made the turn and we were coming back home.  
12 And we were coming around like this island and all of a sudden  
13 it seemed like he pulled to the right and it seemed like we  
14 speeded up, but there was all this motor noise. And he was  
15 going too fast to make a turn. And he hadn't been going fast  
16 before that. And that is just my opinion.

17 Q. He had not been going too fast?

18 A. No, before making this turn. I thought maybe he was  
19 trying to compensate for something. And we were going fast  
20 now.

21 Q. Did you notice any changes in the motor?

22 A. Yes, I didn't notice if that was because we were  
23 turning over or whether the motor was louder now.

24 Q. Can you describe -- you said that in one point of  
25 your statement you said it tipped over and sank and had to get



1 away from it. Can you elaborate more?

2 A. When we tipped over it happened so fast and we just  
3 went down. And when I realized where I was the hull was above  
4 me. And the panels were there and the windows would have been  
5 before that. And as I said I misjudged when I hit the panel.  
6 It was kind of hard to see, for me anyway, because I wear  
7 contact lenses. So anyway the first time I dove, I hit the  
8 panel.

9 Q. Did you notice anything as far as the actual windows  
10 when you boarded the vessel?

11 A. They were all open. There was the hull of the boat  
12 and there was these panels going around the boat. And you  
13 know, it was open with the top.

14 Q. Okay, did you -- when you actually had gone on the  
15 tour, did you have a good view to the left of you and to the  
16 right of where up were actually sitting?

17 A. I thought we did, yes.

18 Q. Okay, and did you notice anything as far as traffic  
19 on the lake?

20 A. There were some boats going, but that is kind of  
21 normal thing, and there were speedboats going by. It was going  
22 to cause some kind of a wave. At the time that this happened I  
23 was talking and I did not see a wave.

24 Q. Did you see any other vessels around you?

25 A. No, because we were near this island, you know, there

1 was an island out from the shore. And we were near there and I  
2 didn't see any other boats at that time.

3 Q. Okay, how long do you think that you were in the  
4 water?

5 A. Oh, I have no idea. All I know that when I was down  
6 there I had gulped some water and I thought I've got to get  
7 some air. And I was worried I wasn't going to have enough air  
8 to get back up, but I did. And I did swallow a little water.

9 Q. Okay, do --

10 A. I have no idea how long I was under there.

11 Q. Right. Are you a good swimmer?

12 A. As a young person, yes, I did swim and I used to dive  
13 and I wasn't afraid of being under water. I'm still not afraid  
14 under water, but I haven't swam in a long time.

15 Q. Right, okay. Did you notice anything else as far as  
16 capsizing, how long it took to actually capsize?

17 A. Actually capsize?

18 Q. Yes.

19 A. Well, when we were sitting there, you know, and it  
20 started happening I knew something was wrong. And then I  
21 looked over and the boat was tipping up from the right hand  
22 side. And the two people, the man especially, that was sitting  
23 across from us in the two seat slid down and hit me where my  
24 feet were. And I can't remember if the other person did or  
25 not, but as I was watching him come down and all of a sudden

1 I'm in the water. And I had looked up to the front and, you  
2 know, people were like wild. Not screaming exactly, but what's  
3 going on, you know, and we were in the water that fast.

4 Q. Okay, how long do you think it actually took the boat  
5 to go all the way down?

6 A. All the way down?

7 Q. Yes.

8 A. You mean from the time it capsized?

9 Q. Right.

10 A. When it first turned over or when it turned over  
11 again?

12 Q. Both. I just want the second one.

13 A. The second one. We were hanging onto the side as I  
14 said, and I noticed my husband was hanging on, and the boat  
15 started to tip up again, and I said, we've got to get away from  
16 here. As we tried to get away it caught us, the rail had  
17 caught us as it was going up. And by that time we were over to  
18 the other boat. And as I said I seen this hull come up and it  
19 was coming towards my husband's head. And I have no idea how  
20 long that took.

21 Q. Okay, I'm going to go ahead and turn it over to Steve  
22 right now.

23 BY MAJ. RIVENBURGH:

24 Q. Ms. Peacock, I'm Steve Rivenburgh with the New York  
25 State Park Police.

1 A. Yes.

2 Q. When you were coming down to the boat after lunch, do  
3 you know if your bus driver was going to go with you?

4 A. Yes, I do or I thought she was, yeah.

5 Q. You had a bus driver?

6 A. Yes, we did.

7 Q. Okay, you thought she was going to go with?

8 A. I assumed she did. I don't know. Sometimes she went  
9 with us and sometimes she didn't.

10 Q. Okay, you were kind of the last folks on board. Did  
11 you notice any discussion between the captain or another  
12 captain or a crew member?

13 A. I didn't.

14 Q. While on the dock?

15 A. No.

16 Q. Okay, was there any discussion about your tour guide  
17 being a crew member? Do you recall that?

18 A. No.

19 Q. Did she get out before or after you?

20 A. She got on before us and she went up to the front of  
21 the boat.

22 Q. Okay, did you notice any hatches on the deck if they  
23 we opened or closed?

24 A. Hatches, I don't know what you're talking about.

25 Q. Okay, these would be like cupboard door or cellar or

1 attic entrances and those type things.

2 A. No, but we noticed two boxes and we assumed they were  
3 life preservers. One was at the front and one was at the back.  
4 My husband noticed that and I noticed the one up on the  
5 ceiling.

6 Q. Okay, you said that you didn't see any boats, well,  
7 you saw them, but they weren't that close by. You didn't see  
8 any wave come toward the vessel?

9 A. Not when it turned over, no. I really didn't realize  
10 what was going on. All I noticed was the boat was going  
11 faster. And he made a sharp turn, what I thought was a sharp  
12 turn to the right.

13 Q. When he made that turn, is that when the boat started  
14 to --

15 A. Yes.

16 Q. -- go up?

17 A. Yes. It started to tip up to the left, you know, the  
18 one side came up.

19 Q. And did I hear you say it went twice? Did it start  
20 to right itself and then go back again? Was that the second  
21 time?

22 A. When I looked up to the front, the side was coming up  
23 and he was making this turn. And I thought he was trying to  
24 right it. You know, I don't know, I don't drive the boat my  
25 husband does. To me it seemed like when he made this turn and

1 the boat was speeding up and it was making a lot of noise, and  
2 all of a sudden, when I looked up this man, came flying from  
3 the seat, of course. And up at the front they were flying over  
4 and they had already tipped up to the left.

5 Q. Okay, when you say the side came up, is that the  
6 right side that came up?

7 A. Yes, the right side.

8 Q. And are you familiar with the term cabitation (ph.),  
9 as far as boating goes?

10 A. Cabitation?

11 Q. Cabitation.

12 A. No.

13 Q. Okay, you said it sounded like the motor got louder?

14 A. Yes, it did.

15 Q. Okay, is it likely the propeller was in the water?

16 A. Yeah, that could have been why it was sounding so  
17 loud.

18 Q. Was it louder when the vessel was on its side or --

19 A. Louder when it started to turn. And seems to me that  
20 It was going faster and louder. That's what I remember.

21 Q. Okay, and you don't recall if it tipped once or twice  
22 Before?

23 A. Seemed like it kept rising and we went over.

24 Q. Okay, okay. I don't have any further questions at  
25 this point. Thank you very much.

1 BY MS. BURER:

2 Q. I have one more question. Do you recall the captain  
3 ever counting any of the passengers when boarding.

4 A. No, I don't remember that.

5 Q. So, does anyone know how he would keep track of the  
6 passengers that was on the vessel?

7 A. No, I didn't.

8 Q. Okay, all right, I think that is it for me also. And  
9 thank you very much.

10 A. I hope I helped.

11 Q. Oh, yes, all the interviews we're doing have been a  
12 great help in trying to figure out the location, the height and  
13 weight. All of that is important information and everything  
14 that you have experienced. And I do appreciate it very much  
15 that you took out the time to do this with us.

16 A. Well, I just feel that is important.

17 Q. Well, thank you very much. Okay, I'm going to end  
18 this conversation now. Thank you very much.

19 (Whereupon, the interview in the above-entitled  
20 matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the  
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:        MV Ethan Allen  
                             Lake George, New York,  
                             October 2, 2005  
                             Interview of Loretta Jean Peacock

DOCKET NUMBER:         DCA 06 MM 001

PLACE:                   Washington, D.C.

DATE:                    October 11, 2005

was held according to the record, and that this is the  
original, complete, true and accurate transcript which has been  
compared to the recording accomplished at the hearing.

\_\_\_\_\_  
Peggy Daniels  
Transcriber